

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Art Unit:	1634
Scott E. ANDERSEN <i>et al.</i>	Examiner:	Jehanne S. Sitton
Appln. No.: 10/626,717	Atty. Docket:	16517.301
Filed: July 25, 2003	Conf. No.:	2211
For: Nucleic Acid Molecules and Other Molecules Associated with Plants		

Information Statement

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

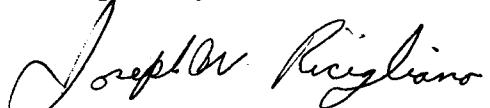
Sir:

Applicants draw the Examiner's attention to NCBI BLASTX accession numbers included in the accompanying Information Disclosure Statement. The listed accession numbers were obtained by conducting a BLASTX analysis of SEQ ID NO: 11 through the National Center of Biotechnology Information (NCBI) website (<http://www.ncbi.nlm.nih.gov/blast/Blast.cgi>). To conduct the BLASTX analysis and obtain the listed BLASTX accession numbers, Applicants entered the nucleotide sequence of SEQ ID NO: 11 into the "Enter Query Sequence" box on the NCBI website and selected to search either the database entitled "Swissprot protein sequences(swissprot)" or "Patented protein sequences(pat)," limiting the search to 50 sequences. The BLASTX algorithm of the website then performed an alignment of SEQ ID NO: 11 with other highly similar sequences located in the selected database. The resulting alignments for the "swissprot" data base (Appendix A) and the "pat" database (Appendix B) allowed Applicants to

compare the identity of the polypeptide/protein encoded by SEQ ID NO: 11 with other protein/polypeptide sequences represented by respective accession numbers.

Applicants respectfully remind the Examiner that the mere listing of a reference in an information disclosure statement is not taken as an admission that the reference is prior art against the claims. *See Riverwood Int'l Corp. v. R.A. Jones & Co.*, 324 F.3d 1346, 1354-55, 66 USPQ2d 1331, 1337-38 (Fed Cir. 2003). Likewise, Applicants believe the claimed subject matter to be patentable over the polynucleotide sequences that encode the polypeptides/proteins represented by the BLASTX accession numbers listed above and invite the Examiner to contact the undersigned with any questions. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,



Joseph W. Ricigliano (Reg. No. 48,511)
Holly Logue Prutz (Reg. No. 47,755)
David R. Marsh (Reg. No. 41,408)

Date: October 27, 2008

ARNOLD & PORTER LLP
555 Twelfth Street, N.W.
Washington, D.C. 20004-1206
(202) 942-5000 telephone
(202) 942-5999 facsimile